

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Elroy James Thomas,

Civil No. 07-891 (DWF/JJG)

Plaintiff,

v.

**ORDER**

Joan Fabian, Commissioner of Corrections,  
and Robert Fineis, Warden,  
MCF-Rush City,

Defendants.

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Elroy James Thomas, *Pro Se*, Plaintiff.

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The above-entitled matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: April 9, 2007

s/Donovan W. Frank

DONOVAN W. FRANK

Judge of United States District Court